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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,367	06/19/2006	Arnaud Bailleur	4590-537	8185
33308 7590 04/04/2011 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER MITCHELL, JASON D				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,367

Applicant(s)

BAILLEUL ET AL.

Examiner

JASON D. MITCHELL

Art Unit

2193

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to an amendment filed on 3/3/11.

Claims 7-9 are pending in this application.

Response to Arguments

In the last full par. on pg. 4 the applicants state:

The Office Action asserts that McGovern teaches these features at paragraph [0034]. McGovern teaches at paragraph [0034] use cases are stored in an asset repository according to a meta model which allows retrieval of use cases for re-use. McGovern would not have suggested exporting the requirements entered into the UML model to a requirements management tool because a repository cannot reasonably be considered to correspond to a requirements management tool.

The examiner respectfully disagrees. First it is noted that the applicants have failed to indicate why a "requirements management tool" would be considered distinct from McGovern's "repository". Accordingly the argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Further, the claims describe no specific structure or functionality for the claimed "requirements management tool". McGovern discloses storing and retrieving (and thus managing) "use-cases" containing "requirements". Accordingly McGovern discloses the broadly claimed "requirements management tool".

In the par. bridging pp. 4 and 5 the applicants state:

Schulz, as applied to claim 1, does not remedy these shortfalls of McGovern because Schulz teaches on page 312 third paragraph that once Business Requirement are defined they can be used as a basis for developing the Use Case diagrams. Thus, Schulz teaches defining the requirements before the UML model. Schulz would not have suggested exporting the Business Requirements. Further, claim 7 recites, among other features, creating requirements during the creation of the elements of the UML model. As noted above, Schulz teaches defining the requirements before the UML model. Thus, Schulz would not have suggested creating requirements during the creation of the elements of the UML model, as recited in claim 7.

The examiner respectfully disagrees. The third partial par. on pg. 312 of Schultz reads:

Once the Business Requirements are defined, they can then be used as the basis for developing the Use Case diagrams. Specifically, each functional requirement identified in the Business Requirements will initially correspond to one Use Case if it can be automated.

The important teaching here is that UML Use Case diagrams can be used to represent requirements. This teaching indicates that those of ordinary skill in the art would have recognized UML as a suitable model format to be used for the model disclosed in McGovern.

Further, the applicants appear to be overlooking the distinction between an abstract definition or conception of a requirement ("Once the Business Requirements are defined") and the a formal or programmatic definition of a requirement ("each functional requirement ... will initially correspond to one Use Case").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0125769 to McGovern et al. (McGovern) in view of "Requirements Based UML" by Schulz (Schulz).

Claim 7: McGovern discloses a method of automatic uploading of the requirements of models and updating the models, comprising the steps of:

creating a model with a modeling tool (par. [0032] "defining process workflows for use cases and roles"),

creating requirements during the creation of the elements of the model (par. [0073] "use cases define a set of requirements for a project"),

when the model is stabilized (par. [0075] "Each iteration corresponds to a set of completed functional groups, a functional group comprising one or more related use cases"), exporting the requirements entered into the model to a requirements management tool (par. [0034] "use cases are stored in an asset repository according to a meta module which allows retrieval of use cases for re-use"; par. [0073] "use cases define a set of requirements for a project"), and

automatically creating in the requirements management tool a navigation module including all the objects pointed at by at least one requirement and a requirements module of level n (par. [0091] "Links an Action (step) to a Collaboration (use case), ...

the Collaboration (use case) is a more detailed representation of the Action (step) ... this relationship ... allows one to navigate any depth of abstraction”).

McGovern discloses a model, including requirements, created in a modeling tool, but does not explicitly disclose that the model is a UML model.

Schulz teaches a UML model including requirements (Abstract “Requirements-Based UML”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create UML models (Schultz Abstract “Requirements-Based UML”) defining the objects in McGovern’s system (par. [0091] “Links an Action (step) to a Collaboration (use case)”). Those of ordinary skill in the art would have been motivated to do so because UML “is a notational standard that can be used to implement the tasks within a methodology ... without requiring retraining of the workforce” (Schulz pg. 307, last partial par.)

Claim 8: The rejection of claim 7 is incorporated; further McGovern discloses the requirements module of level n is linked to another upstream requirements module of level n+1 defined previously (par. [0091] “Links an Action (step) to a Collaboration (use case), ... the Collaboration (use case) is a more detailed representation of the Action (step)”).

Claim 9: The rejection of claim 7 is incorporated; further, McGovern and Schulz teach requirements modifications are performed in the UML model, with the modeling tool (McGovern par. [0052] "the present invention provides ... a software development tool"; Schulz pg. 308, 4th full par. "After the first level of UML diagrams is completed ... the requirements are refined").

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON D. MITCHELL whose telephone number is (571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D. Mitchell/
Examiner, Art Unit 2193